

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:

Request by Metro Nashville Davidson)	
County-Murfreesboro-Franklin, TN for)	
Waiver of the Commission's Rules to)	PS Docket No. 06-229
Allow Establishment of a 700 MHz)	
Interoperable Mobile Public Safety)	
Broadband Network)	

REQUEST FOR WAIVER

Pursuant to Section 1.925 of the Commission's rules, Nashville-Davidson-Murfreesboro-Franklin, TN Metropolitan Statistical Area (MSA), Nashville Electric Service (NES), City of Belle Meade, City of Berry Hill, City of LaVergne, and Metro Nashville Airport Authority hereby submits this Petition for Waiver to allow for early construction and deployment of an interoperable 700 MHz public safety broadband system to serve the Nashville MSA. This system will be designed to be fully interoperable, consistent with conditions as recommended by the public safety community and ultimately required by the Commission. Expeditious grant of this waiver to allow for deployment in the 763-768/793-798 MHz band under a spectrum agreement with the Public Safety Broadband Licensee (PSBL) is in the public interest and will lead to early deployment of critical broadband public safety communications for the Nashville MSA.

I. BACKGROUND

Nashville MSA covers approximately 6868 square miles. The MSA population is estimated to be 1,582,264 as of 2009. Within Nashville MSA there are 13 counties (Cannon, Cheatham, Davidson, Dickson, Hickman, Macon, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, and Wilson), and more than 50 cities. The principal cities are Nashville and Murfreesboro. Nashville MSA and surrounding cities add significantly to the economy. Annual manufacturer shipments are approximately \$16B and retail sales are approximately \$30B.¹

II. THE REQUESTED WAIVER IS IN THE PUBLIC INTEREST

Technology and communications in particular plays an increasingly important role in providing public safety and homeland security. It is impossible to predict where the next natural or manmade disaster, criminal incident, or terrorist event will occur. Therefore, all jurisdictions must be as prepared as possible to deal with such incidents. Also, public safety requires constant vigilance and response 24 hours a day, 7 days a week. While a safe and desirable area in which to live, Nashville MSA, like all areas, has taken steps and must take additional steps to address the safety of the public. In 2008, the Nashville MSA Police Department fielded 41,955 reports of various crimes.²

Criminals are no longer limited to voice communications and neither should the police officers, firefighters and emergency medical personnel that serve the residents of Nashville MSA. Broadband communications will provide an extremely important addition to voice communications systems. A public safety grade broadband system will allow public safety personnel in Nashville MSA to quickly and securely access databases in the field and to transmit images among personnel and dispatch centers as needed for both prevention and response. Expedient database access and image transfer can provide critical information that offers the extra margin between life and death.

¹ 2002 statistics from the U.S. Census Bureau. See <http://quickfacts.census.gov/qfd/states/47/47037.html>

² See <http://www.police.nashville.gov/docs/reports/AnnualReport/2008.pdf>

Further, with the deployment of LTE technology, the MSA can provide a broadband network which provides not only operability but also interoperability.³

The MSA is well positioned to deploy and provide interoperable public safety grade broadband communications that meet the requirements of this area. Unfortunately, it cannot do so because of a lack of available public safety broadband spectrum. The rules currently on the books envisioned that the public safety broadband network would be deployed under a public/private partnership by the winner of the adjacent “D block” spectrum in the 758-763/788-793 MHz portion of the 700 MHz band. Those rules severely limit and discourage any local agency deployment. Under the current rules, the D block licensee will have the “exclusive right to build and operate the Shared Wireless Broadband Network.”⁴

The failure of the D block auction over two years ago introduced significant delays in the plan. Grant of the requested waiver will resolve that problem by authorizing Nashville MSA to deploy a public safety grade broadband network, pursuant to a spectrum agreement with the Public Safety Broadband Licensee. With a grant of the waiver, Nashville MSA will not need to wait for changes to the Commission rules. It will not need to wait to determine if there is a subsequent D block auction and if so, whether the auction winner will actually provide service or enter into a partnership agreement that meets public safety needs. Grant of the requested waiver will provide great public interest benefits by allowing the MSA to move forward and implement broadband public safety service in a timely manner and under a plan that helps ensure once the system is built, it will meet public safety needs.

Grant of the waiver will allow the MSA to pursue public funding and/or its own public/private partnership to commence construction and deployment of a broadband system, under a spectrum agreement with the PSST. Grant of this waiver request is also consistent with Congressional and Commission interests in enabling interoperable broadband communications for public safety as soon as possible.

³ LTE or Long Term Evolution is the 4th generation technology for broadband that has been endorsed by the public safety community.

⁴ 47 CFR, Sections 27.1330 and 90.143 of the FCC rules.

III. CONCLUSION

In light of the critical public safety and national security requirements at stake, Nashville MSA urges the Commission to grant the requested waiver expeditiously. Grant of this waiver request is in the public interest and will further both public safety's and the Commission's goal to deploy a nationwide interoperable 700 MHz public safety broadband network.

Respectfully Submitted,

Nashville MSA, Tennessee

A handwritten signature in black ink, appearing to read "Joe M. Clinard III", written over a horizontal line.

By:

Joseph M. Clinard III - Manager

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